

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JUDITH R. BURKS,)	CASE NO. 1:21-CV-00345-CEF
)	
Plaintiff,)	JUDGE CHARLES ESQUE FLEMING
)	
vs.)	MAGISTRATE JUDGE
)	JAMES E. GRIMES, JR.
COMMISSIONER OF SOCIAL)	
SECURITY,)	OPINION AND ORDER ADOPTING
)	MAGISTRATE’S REPORT AND
Defendant.)	RECOMMENDATION

On February 12, 2021, Plaintiff Judith R. Burks (“Plaintiff”) filed a Complaint seeking judicial review of Defendant Commissioner of Social Security’s decision to deny his supplemental security income application. (ECF No. 1, Compl.). On October 20, 2022, Magistrate Judge James E. Grimes, Jr. submitted a Report and Recommendation (“R&R”) recommending that the Court AFFIRM the Commissioner’s final decision. (ECF No. 20, R&R).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a R&R within fourteen (14) days after service. The R&R gave the parties notice of the 14-day time limit for filing any objections. (ECF No. 20, R&R at PageID #1395). As a result, any objections by the parties were due on November 3, 2022. No objection has been filed by either party.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the R&R to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt an R&R without further review. *See Peretz v. US*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141-42, 49-50 (1985).

Accordingly, the Court **ADOPTS** Magistrate Judge Grimes' Report and Recommendation, incorporates it fully herein by reference, and **DISMISSES** Plaintiff's Complaint. The Court also certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

Date: January 5, 2023

A handwritten signature in cursive script, reading "Charles Fleming".

CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE